

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JANETTE HAINES,
Plaintiff,

Civ. No. 10-3027-CL

v.

JENNIFER OLIVER,
Defendant.

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I agree with Magistrate Judge Clarke that claim preclusion bars plaintiff's claims for declaratory relief; removal of notice of pendency of action; abuse of process; interference with

economic advantage, and intentional infliction of emotional distress.¹ I also agree that defendant is entitled to summary judgment on plaintiff's claim for wrongful use of civil proceedings because defendant had probable cause to file her counterclaim for constructive trust in the underlying state court litigation. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#31) is adopted. Defendant's motion for summary judgment (#8) is granted, and plaintiff's motion for partial summary judgment (#6) is denied.

IT IS SO ORDERED.

DATED this 14 day of March, 2011.

A handwritten signature in cursive script, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE

¹ The complaint confusingly includes two separate claims that are each listed as the fifth claim. Compl. 8, 9. The Report and Recommendation specifically addresses the first "fifth" claim, which is for interference with economic advantage. The same reasoning applies to the other "fifth" claim, which is for intentional infliction of emotional distress.